

BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

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In the Matter of the Application of )  
)  
CYPRESS COMMUNICATIONS )  
OPERATING COMPANY, LLC )  
)  
For A Certificate Of Public Convenience And )  
Necessity To Provide Local Exchange )  
Telecommunications Services )  
And For Flexible Regulation )  
)  
)

OCT 01 2009  
PSC SC  
DOCKETING DEPT.

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MOTION FOR PROTECTIVE TREATMENT AND  
BASIS FOR FILING EXHIBIT 3 AS TRADE SECRET

Introduction

Cypress Communications Operating Company, LLC ("Cypress" or "Applicant"), by its attorneys, and pursuant to S.C. Code Ann. § 39-8-10, *et seq.* and Commission Order No. 2005-226 and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, the Applicant seeks protective treatment by the Public Service Commission of South Carolina ("Commission") of certain commercially-sensitive financial statements filed as a trade secret and attached as *Exhibit 3* to the Application of Cypress for a Certificate of Public Convenience and Necessity to Provide Local Exchange Telecommunications Services in the State of South Carolina and for Flexible Regulation ("Application"). Because this motion is an inseparable part of the Application, it is being filed concurrently with the Application.

Cypress provides the following information:

1. The exact legal name, address and telephone number of the Applicant are

Cypress Communications Operating Company, LLC  
Four Piedmont Center, Suite 600  
Atlanta, Georgia 30305  
Telephone: (404) 869-2500  
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Toll Free: (888) 205-6912  
Website: [www.cypresscommunications.com](http://www.cypresscommunications.com)

2. Correspondence or communications regarding this Motion should be addressed to:

Ms. Bonnie D. Shealy, Esquire  
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1901 Main Street, Suite 1200  
Post Office Box 944  
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Email: [BShealy@Robinsonlaw.com](mailto:BShealy@Robinsonlaw.com)

**A. Description of Confidential Information.**

3 The Application requires Cypress to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits the financial statements of its parent company. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

**B. Grounds for Claim of Confidentiality.**

4. Cypress is presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, the financial statements attached as *Exhibit 3* to the Application are not readily available to persons external to Cypress except for regulatory and governmental agencies with jurisdiction over Cypress, and then only under seal.

5. Because the financial statements submitted by Cypress in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, Cypress seeks to protect such material from public disclosure. Cypress derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact, the disclosure of this information could provide existing and potential competitors, including institutional calling services providers in South Carolina, as well as in other states in which Cypress provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. Cypress clarifies herein that its request for protection applies only to the documents attached as *Exhibit 3* to the Application. Cypress is not seeking protection of any type for those reports Cypress is required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

### CONCLUSION

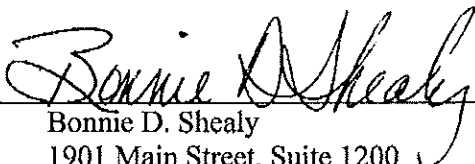
7. The financial information included in support of Cypress, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to Cypress as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required Cypress to make this information available to the public. For all these reasons, the financial statements attached as *Exhibit 3* to the Application should be protected from public disclosure by the Commission.

WHEREFORE, Cypress Communications Operating Company, LLC respectfully requests that the Public Service Commission of South Carolina grant this Motion for Protective Treatment with respect to the financial statements attached as *Exhibit 3* to the Application for a Certificate of Public Convenience and Necessity to Provide Local Exchange Telecommunications Services in the State of South Carolina and filed *under seal* as Confidential in this proceeding.

Dated this 1<sup>st</sup> day of October, 2009.

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.

By   
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Attorneys for Cypress Communications Operating  
Company, LLC

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**EXHIBIT 3**

**FINANCIAL STATEMENTS**

**CONFIDENTIAL AND PROPRIETARY  
FILED UNDER SEAL**